

REMARKS

Applicant gratefully acknowledges the telephonic interview with the Examiner conducted on April 8, 2003. Applicant has attempted to address the issues raised by the Examiner in the interview with this response.

Applicant requests reconsideration of the application in view of the following remarks. Claims 1, 2, 4, 6, 10, 11, 15-19 and 21 are pending. Claims 1 and 18 are independent claims.

INFORMATION DISCLOSURE STATEMENT

The Examiner noted that some of the references provided previously and cited in the Information Disclosure Statement filed June 13, 2002, which were not available in the parent application No. 09/284,895 referenced in that Information Disclosure Statement and which were subsequently provided in a supplemental Information Disclosure Statement filed January 21, 2003, are still missing. A supplemental Information Disclosure Statement containing copies of the fifteen missing references requested by the Examiner is transmitted herewith for the Examiner's consideration.

DRAWING OBJECTION

The Examiner objected to the drawings as failing to comply with 37 C.F.R. 1.84 (p)(4). Specifically, the Examiner asserted that reference numerals "58" and "54" were both used to designate valleys in FIG. 8. Applicant has amended FIG. 8 to use only reference numeral "54" to designate valleys, as suggested by the Examiner in the telephonic interview on April 8, 2003, and believes that the grounds for the objection have been overcome.

35 U.S.C. § 102 REJECTIONS

The Examiner rejected claims 1, 2, 6, 11, 15-19 and 21 under 35 U.S.C. §102(e) as being anticipated by Milo U.S. Patent No. 6,206,911. Applicant respectfully disagrees with the Examiner's interpretation of Milo and traverses the rejection. Specifically,

Applicant disagrees with the Examiner's characterization of the location of the "cylindrical rings," "interconnecting members" and "reinforcement members" in Fig. 1 of Milo, which was inserted in the Office action at paragraph 2 and highlighted by the Examiner with red, blue and black ink to indicate the asserted locations.

In the telephonic interview on April 8, 2003, Applicant respectfully submitted that the Examiner's interpretation of Fig. 1 and assertion of the location of the "cylindrical rings," "interconnecting members" and "reinforcement members" are contrary to the disclosure in Milo. The following arguments and remarks, which were made in the telephonic interview on April 8, 2003, are reiterated.

It is respectfully noted that, with respect to Fig. 1, Milo discloses interconnecting leg segments 13 having junctions between adjacent legs that form the vertex of diamond shaped cells 17, each diamond shaped cell made up of four arms 19 and the diamond shaped cells serving as spacers between the zigzag legs. See Milo at col. 3, ll. 9-18. It is respectfully submitted that the Examiner's interpretation of Fig. 1 is contrary to the disclosure therein in that it requires that some of the leg segments 13 are part of the "cylindrical rings" while some of the leg segments are "interconnecting members" as well as requiring that some of the arms 19 are part of the "cylindrical rings" while some of the arms are "reinforcing members."

It is further respectfully noted that Milo, with respect to Fig. 1, also discloses "side-by-side axially extending rows of major diamond shaped cells with adjacent rows being staggered so as to interfit and create a regular pattern" and that the major diamond shaped cells are "overlapping [such] that each of these major cells would include two spaced-apart minor diamond cells 17 along with pairs of flanking leg segments 13." Milo at col. 3, ll. 19-25. It is respectfully submitted that the Examiner's interpretation of Fig. 1 is contrary to the disclosure of the "major diamond shaped cells" in that the pair of flanking leg segments that comprise the cells must include the "interconnecting members" asserted by the Examiner and the minor diamond shaped cells that are part of

the "major diamond shaped cells" must include the "reinforcement members" asserted by the Examiner. It is further respectfully submitted that the "interconnecting members" asserted by the Examiner are contrary to the disclosed "overlapping" of the major diamond shaped cells.

Moreover, it is respectfully noted that anticipation of claims using a drawing requires that "the picture must show all the claimed structural features and how they are put together" and "[t]he drawings must be evaluated for what they reasonably disclose and suggest to one of ordinary skill in the art." M.P.E.P. § 2125. Furthermore, anticipation of a claim under 35 U.S.C. § 102 (a), (b) and (e) requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," that "[t]he identical invention must be shown in as complete detail as is contained in the ... claim" and "[t]he elements must be arranged as required by the claim." M.P.E.P. § 2131.

It is respectfully submitted that Fig. 1 of Milo would not be interpreted, in view of the disclosure therein, by one of ordinary skill in the art as disclosing the elements asserted by the Examiner and, therefore, that Fig. 1 does not clearly show all the claimed structural features recited in independent claims 1 and 18. It is further respectfully submitted that one of ordinary skill in the art would not interpret Milo, in view of the disclosed "overlapping" of the "major diamond shaped cells," as disclosing a plurality of adjacent cylindrical elements arranged in alignment along a longitudinal stent axis nor as disclosing at least one interconnecting member extending between adjacent cylindrical elements as recited in independent claims 1 and 18 of the present application. Moreover, it is respectfully submitted that Milo does not disclose every element recited in independent claims 1 and 18 with the requisite detail nor does Milo disclose the elements arranged as required by the claims and, therefore, that Milo does not meet the requirements for anticipation under 35 U.S.C. § 102(e).

It is respectfully submitted that the Examiner's assertion that Fig. 1 of Milo discloses "cylindrical rings," "interconnecting members" and "reinforcement members" is improper and that independent claims 1 and 18 are not anticipated. It is further respectfully asserted that claims 2, 6, 11 and 15-17, which depend from claim 1, and claims 19 and 21, which depend from claim 18, are also allowable over the cited reference.

The Examiner rejected claims 1, 2, 4, 10, 11, 15, 16, 18, 19 and 21 under 35 U.S.C. § 102(e) as being anticipated by Killion, U.S. Patent No. 5,868,781. Applicant respectfully disagrees with the Examiner's interpretation of Killion and traverses the rejection. Specifically, Applicant disagrees with the Examiner's characterization of the location of the "cylindrical rings," "interconnecting members" and "reinforcement members" in Fig. 4b of Killion, which was inserted in the Office action at paragraph 3 and highlighted by the Examiner with red, blue and black ink to indicate the asserted locations.

In the telephonic interview on April 8, 2003, Applicant respectfully submitted that the Examiner's interpretation of Fig. 4b and assertion of the location of the "cylindrical rings," "interconnecting members" and "reinforcement members" are contrary to the disclosure in Killion. The following arguments and remarks, which were made in the telephonic interview on April 8, 2003, are reiterated.

It is respectfully noted that, with respect to Fig. 4b, Killion discloses repeating diamond shaped cells 453 having adjoining cells "integrally formed with each cell" and "each cell bisected by an arm 455." Killion at col. 4, ln. 61, to col. 5, ln. 4. It is respectfully submitted that the Examiner's interpretation of Fig. 4b is contrary to the disclosure therein in that it requires that some of the cells 453 are "cylindrical rings," some of the cells are part of the "reinforcing members" and some of the cells are part of the "interconnecting members" while requiring some of the "reinforcing members" to consist entirely of an arm 455 while other "reinforcing members" consist of both arms

and cells. It is further respectfully submitted that the "interconnecting members" asserted by the Examiner are contrary to the disclosure of adjacent cells "integrally formed with each cell."

It is respectfully submitted that Fig. 4b of Killion would not be interpreted, in view of the disclosure therein, by one of ordinary skill in the art as disclosing the elements asserted by the Examiner and, therefore, that Fig. 4b does not clearly show all the claimed structural features recited in independent claims 1 and 18. It is further respectfully submitted that one of ordinary skill in the art would not interpret Killion, in view of the disclosure of adjacent cells "integrally formed with each cell," as disclosing at least one interconnecting member extending between adjacent cylindrical elements as recited in independent claims 1 and 18 of the present application. Moreover, it is respectfully submitted that Killion does not disclose every element recited in independent claims 1 and 18 with the requisite detail nor does Killion disclose the elements arranged as required by the claims and, therefore, that Killion does not meet the requirements for anticipation under 35 U.S.C. § 102(e).

It is respectfully submitted that the Examiner's assertion that Fig. 4b of Killion discloses "cylindrical rings," "interconnecting members" and "reinforcement members" is improper and that independent claims 1 and 18 are not anticipated. It is further respectfully asserted that claims 2, 4, 10, 11, 15 and 16, which depend from claim 1, and claims 19 and 21, which depend from claim 18, are also allowable over the cited reference.

The Examiner rejected claims 1, 4, 6, 10, 11, 18 and 19 under 35 U.S.C. § 102(b) as being anticipated by Hiroyuki et al. (JP 10201856 A). Applicant respectfully disagrees with the Examiner's interpretation of Hiroyuki et al. and traverses the rejection. Specifically, Applicant disagrees with the Examiner's characterization of the location of the "cylindrical rings," "interconnecting members" and "reinforcement members" in Figs. 11 and 12 of Hiroyuki et al., which was referred to by the Examiner at paragraph 4 and

attached to the Office action and highlighted by the Examiner with red, blue and black ink to indicate the asserted locations.

It is respectfully noted that the portions of the stent in Figs. 11 and 12 of Hiroyuki et al. that the Examiner asserts as disclosing "reinforcing members" and "cylindrical rings" **both** contain portions designated by reference numerals "31," "32" and "35." It is respectfully submitted that the portions of the stent designated by reference numerals "31," "32" and "35" are not different elements, but rather portions of the same element. It is further respectfully submitted that any interpretation of Hiroyuki et al. Figs. 11 and 12 in which reference numerals "31," "32" and "35" designate portions of the same element precludes the disclosure of cylindrical elements containing a plurality of alternating peaks and valleys, as recited in independent claims 1 and 18.

It is further respectfully noted that the Examiner's interpretation of the location of the "interconnecting members" and "cylindrical elements" in Figs. 11 and 12 requires that the portion of the stent designated by reference numeral "23" be **both** an "interconnecting member" and part of the "cylindrical rings." It is respectfully submitted that the portion of the stent designated by reference numeral "23" is only a single element.

It is respectfully submitted that Figs. 11 and 12 of Hiroyuki et al. would not be interpreted, in view of the reference designators contained therein, by one of ordinary skill in the art as disclosing the elements asserted by the Examiner and, therefore, that Figs. 11 and 12 do not clearly show all the claimed structural features recited in independent claims 1 and 18. It is further respectfully submitted that Hiroyuki et al. does not disclose every element recited in independent claims 1 and 18 with the requisite detail nor does Hiroyuki et al. disclose the elements arranged as required by the claims and, therefore, that Hiroyuki et al. does not meet the requirements for anticipation under 35 U.S.C. § 102(b).

It is respectfully submitted that the Examiner's assertion that Figs. 11 and 12 of Hiroyuki et al. discloses "cylindrical rings," "interconnecting members" and

"reinforcement members" is improper and that independent claims 1 and 18 are not anticipated. It is further respectfully asserted that claims 4, 6, 10 and 11, which depend from claim 1, and claim 19, which depends from claim 18, are also allowable over the cited reference.

CONCLUSION

Applicant has attempted to respond to each and every rejection set forth in the outstanding Office action. In view of the above remarks, Applicant respectfully requests that the application be reconsidered, the claims allowed and the application passed to issue.

It is respectfully noted that this response has been filed within two months of the mailing date of the final Action. Therefore, if an advisory action is not mailed until after the end of the three-month shortened statutory period, any extension pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action.

It is respectfully requested that the Examiner telephone the undersigned at (310) 242-2725 as he offered to do in the telephonic interview on April 8, 2003 once the arguments contained herein are considered in order to inform the Applicant of the Examiner's response.

Respectfully submitted,

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RCS:mv
Enclosure: FIG. 8

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